IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 5TH JULY 2007 / 14TH ASHADHA 1929

OP.No. 6829 of 2001(K)

PETITIONER:

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1. V.NAGAPPAN, S/O.VELUKUTTY NADAR,
AGED 44, MUKKUVAN KUZHIYAYA VATTAVILA
MUZHITHALAKKAL VEEDU, VIZHINJAM.

2. B.SUBHADRA, W/O.NAGAPPAN, AGED 38,
.DO., VENGANOOR DESOM, .DO.

BY ADV. SRI.R.T.PRADEEP

RESPONDENTS:

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1. THE STATE OF KERALA REP. BY ITS SECRETARY,
REVENUE DEPARTMENT, SECRETARIAT, TRIVANDRUM.

2. THE DISTRICT COLLECTOR, TRIVANDRUM.

3. THE DEPUTY TAHSILDAR, REVENUE RECOVERY,
NEYYATTINKARA.

4. ASSISTANT SALES TAX OFFICER, NEYYATTINKARA.

5. ASOKAN, VAZHITHALAKKAL VETTIL, MUKKOLA
DESOM, VIZHINJAM VILLAGE.

6. R.SASIKALA, .DO. .DO.

7. BINU, S/O.SIVASANKARAN, AGED 32,
MUKKUVANKUZHI VEEDU, THENOORKONAM,
KOTTAPURAM, VIZHINJAM, NEYYATTINKARA.

R1 TO 4 BY G.P. SRI.C.K.GOVINDAN

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 05/07/2007, THE COURT ON 05/07/2007 DELIVERED THE FOLLOWING:

ORDER ON C.M.P. NO.11229/2001 IN O.P. NO.6829/2001

DISMISSED:

5.7.2007 SD/-(C.N.RAMACHANDRAN NAIR, JUDGE.)

APPENDIX

PETITIONERS' EXHIBITS:

P1: TRUE COPY OF LICENCE DT.23.4.96.

P2: TRUE COPY OF NOTICE DT.17.1.2001 RECEIVED BY 1ST PETIITONER.

P3: .DO. 2ND PETITIONER.

P4: .DO. IN FORM 10 RECEIVED BY 1ST PETITIONER.

P5: .DO. 2ND PETITIONER.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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O.P. No.6829 of 2001

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Dated this the 5th day of July, 2007.

JUDGMENT

The petitioners are challenging revenue recovery proceedings for recovery of over Rs.50 lakhs due from defaulters for whom petitioners stood as surety. The arrears pertain to sales tax dues in respect of abkari business carried on by respondents 5 and 6 through 7th respondent. It is conceded that petitioners have executed solvency bonds offering security of their property. In the circumstances, O.P. is disposed of directing respondents 2 to 4 to verify the security bonds executed by petitioners and proceed for recovery in accordance with the bond and if limit for recovery is provided, to limit recovery for the amounts specified therein. Petitioners' property should be attached and sold only if such property is covered by solvency/security bond or if petitioners have stood as personal guarantors. Copies of documents relied on should be furnished to the petitioners before sale of property. If petitioners raise any objection, the same will be considered and disposed of by the recovery authority.

C.N.RAMACHANDRAN NAIR
Judge

pms